

# REMARKS

Claims 1-19 remain before the Examiner for reconsideration.

The Examiner provisionally rejected Claims 1-19 under the judicially created doctrine of obviousness-type double patenting "as being unpatentable over claims 1-29 of copending Application No. 10/652,104, optionally in view of Dawson et al (US 4,490,557)." Specifically, the Examiner asserted that:

Although the conflicting claims are not identical, they are not patentably distinct from each other because the sole difference between the herein claimed process and the above referenced claimed process is the mode of cracking ester. In the above patent application, the cracking is done using the heat as compared to via heat in a thin film evaporation in herein. Inasmuch as cracking of ester is known to be done by heat, it would have been prima facie obvious to one of ordinary skill in the art to select suitable vessel for conducting the same, absent evidence to the contrary. Alternatively, Dawson et al is expressly teaching that cracking by heat in a thin film evaporation is old in the art, see for example, columns 9-11.

In the interest of expedient prosecution, Applicants have submitted herewith two Terminal Disclaimers to Obviate a Provisional Double Patenting Rejection Over a Pending "Reference" Application and the appropriate fee in connection therewith. In that regard, the Commission is authorized on the Terminal Disclaimers to charge the associated fee to Deposit Account 02-1065. The Terminal Disclaimers are submitted herewith in duplicate.

The submission of the Terminal Disclaimers is not an admission that the Examiner's rejection of claims 1-19, under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-29 of copending Application No. 10/652,104, optionally in view of Dawson et al (US 4,490,557) is proper.

Applicants acknowledge the Examiner's indication that "the drawings are acceptable."

In light of the response, Applicants respectfully requests that the Examiner indicate the allowability of claims 1-19 and arrange for an official Notice of Allowance to be issued in due course.

Respectfully submitted,

ERIC J. BECKMAN et. al.

August 18, 2005

By Henry E. Bartony Jr.

Henry E. Bartony, Jr., Esq.  
Reg. No. 34,772

Bartony & Hare, LLP  
Suite 1801, Law & Finance Building  
429 Fourth Avenue  
Pittsburgh, Pennsylvania 15219  
412-338-8632 (telephone)  
412-338-6611 (fax)

Attorney for Applicant